

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

ROSEMARY ELAM

PLAINTIFF

vs.

Civil No. 3:07-cv-03044

MICHAEL J. ASTRUE

DEFENDANT

Commissioner, Social Security Administration

MEMORANDUM OPINION

On March 4, 2008, Rosemary Elam ("Plaintiff") filed this Motion for Voluntary Dismissal. (Doc. No. 7). On March 11, 2008, Defendant responded to this motion and has no objections. (Doc. No. 8). The parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. (Doc. No. 4). Pursuant to this authority, the Court issues this memorandum opinion and orders the entry of a final judgment in this matter.

Absent any pending counterclaims, a court is authorized to dismiss a case at the plaintiff's request on the terms that the court considers proper. FED. R. CIV. P. 41(a)(2). Defendant has asserted no counterclaims and has no objections to this motion. (Doc. Nos. 6, 8). Accordingly, the undersigned considers it proper and recommends that this motion be **GRANTED** and Plaintiff's case be dismissed without prejudice.

ENTERED this 12th day of March, 2008.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE